THE HON'BLE MR JUSTICE R.SUBHASH REDDY

Writ Petition No.36520 of 1998

03.07.2007

Between

O.G.Mani, S/o Guravaiah.

…Petitioner

And
The Executive Engineer (R&B), Tirupathi, Chittoor District and another.

…Respondents

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

Writ Petition No.36520 of 1998

ORDER:

In this writ petition, the petitioner, a contractor, has questioned the termination of his contract and debarring him for a period of three years from tendering for the works by the impugned order, dated 04.12.1998, on the ground that he has not started the work within the stipulated time.

In response to a tender notice issued by the respondents, the petitioner submitted his tender on

22.08.1998 for the work of collecting patch metal of 20 mm size and 40 mm size to maintain Kalavagunta Nendragunta road. It is case of the respondents that though there was a time stipulation to complete the work, the petitioner did not start the work in terms of the agreement.

The only contention advanced by the learned counsel for the petitioner is that the respondents have issued a notice, dated 11.11.1998, giving time to the petitioner to start work within a period of seven days and though the petitioner started the work within the time stipulated in the said notice, the impugned orders have been passed.

With reference to the said argument, it has to be noted that the contract is concluded by an agreement which imposes specific clauses for starting the work and completion of the work. Admittedly, the petitioner did not start the work as per the terms stipulated in the agreement and subsequently a notice was issued to the petitioner for starting the work. Later, the contract was terminated in exercise of powers under Clause 60(a) of P.S. to A.P.D.S.S. Whether there are any sufficient and valid grounds for not starting the work, is a matter which cannot

be gone into in this writ petition. The termination of the contract is as per the agreed terms.

In that view of the matter, I do not find any ground which warrants interference in this writ petition filed under Article 226 of Constitution of India.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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03.07.2007

VGB